

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
TRANSPORTES NAVIEROS Y	:	
TERRESTRES, S.A. DE D.V.,	:	
	:	
Plaintiff,	:	
	:	<b>07-CV-3076(LAP)</b>
- against -	:	
	:	
FAIRMOUNT HEAVY TRANSPORT N.V.,	:	
	:	
Defendant,	:	
-----	X	

**TNT'S MOTION FOR STAY**

**NOW COMES** plaintiff, Transportes Navieros y Terrestres, S.A. de C.V. ("TNT"), and respectfully moves for an Order staying execution of the Court's Order of earlier today (July 9, 2007), considering that:

1. Fed R. Civ. P. 62(a) provides for an automatic ten-day stay of Court judgments, providing in part: "Except as stated herein, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of ten days after its entry."
2. Rule 62(a) applies to rulings vacating or modifying *ex parte* orders of attachment under Rule B. See, e.g., *Rapture Shipping, Ltd. v. Allround Fuel Trading B.V.*, 06 Civ. 5296, "Memorandum Order" of August 30, 2006 (S.D.N.Y. August 30, 2006) (Keenan, J.) (Exhibit "A"); *Status Int'l S.A. v.*

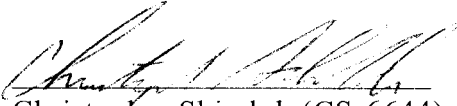
*M&D Mar. Ltd.*, No. 97 Civ 9313(SAS), 1998 WL 108007, at \*4 (S.D.N.Y. March 11, 1998) (Exhibit “B”).

3. TNT respectfully intends to move for reconsideration and/or appeal of the Court’s reduction in the amount of attached funds to the nominal sum of \$15,000.
4. The Court’s Order of July 9, 2007 directs that the funds under attachment (save for \$15,000) be “released promptly.”
5. In order to prevent the funds from being released prematurely in violation of Rule 62, TNT respectfully prays that an Order be issued through July 23, 2007 staying enforcement of the Order (i.e. ten days, exclusive of legal holidays, from July 9, 2007).

**WHEREFORE**, the premises considered, TNT respectfully prays for an Order staying through July 23, 2007 enforcement of this Court’s Order of July 9, 2007.

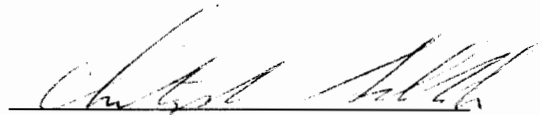
The Plaintiff,

TRANSPORTES NAVIEROS Y  
TERRESTRES, S.A. DE D.V..

By:   
Christopher Shierloh (CS-6644)  
CASEY & BARNETT, LLC  
317 Madison Avenue, 21<sup>st</sup> Floor  
New York, New York 10017  
(212) 286-0225 - telephone  
(212) 296-261 - facsimile  
cms@caseybarnett.com

**AFFIRMATION OF SERVICE**

I hereby certify that on July 9, 2007, a copy of the foregoing was filed. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

A handwritten signature in black ink, appearing to read 'Christopher Shierloh', is written over a horizontal line.

Christopher Shierloh (CMS-6644)